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**UNITED STATES DISTRICT COURT**

**EASTERN DISTRICT OF TEXAS**

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RICKY W. TURNER, §  
§  
Plaintiff, §  
§  
versus § CIVIL ACTION NO. 1:19-CV-248  
§  
JOHN WERNER, *et al.*, §  
§  
Defendants. §

**MEMORANDUM ORDER ADOPTING THE MAGISTRATE  
JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Ricky W. Turner, a prisoner currently confined at the Hightower Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against John Werner, Steve Massie, Stacey Leblanc, Christopher B. Howeth, David Amber, Jr., Brian N. Dean, and Victor D. Boston.

The court referred this matter to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommended dismissing the action pursuant to 28 U.S.C. § 1915(g), unless plaintiff paid the \$400 filing fee within fourteen days of the report and recommendation.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties, and plaintiff has not paid the filing fee.

**ORDER**

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report and recommendation of the magistrate judge (#5) is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

**Signed this date**

Jul 31, 2019



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MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE